

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
E/S Big Falls Road, 2900' N of
Monkton Road
(17301 Big Falls Road)
7th Election District
3rd Councilmanic District
Stephen D. Mooney, et ux
Petitioners

* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-180-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 26 feet in lieu of the required 50 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of November 1990 that the Petition for Residential Variance to permit a side yard setback of 26 feet in lieu of the required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 11/30/90
By [Signature]

- 2 -

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE 91-180-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently or upon settlement will reside at 17301 Big Falls Road, Monkton MD 21111 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

The only practical location for the addition is to the right side when facing the house, as the garage is to the left, the septic is to the rear, & the well is to the front.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Stephen D. Mooney
AFFIRANT (Handwritten Signature)
Wendy K. Mooney
AFFIRANT (Handwritten Signature)
Stephen D. Mooney
AFFIRANT (Printed Name)
Wendy K. Mooney
AFFIRANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31st day of October, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

NOTARY PUBLIC

By Commission Expires:

DEAN L. EATON
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 1992

17301 BIG FALLS ROAD
BEGINNING AT A POINT ON THE EAST SIDE OF Big Falls Road (Not County owned, but paved 26'), said point being approximately 2900'± due NORTH of the centerline of Monkton Road, THENCE THE following courses and distances:
N 82° 20' 00" E 95', N 82° 20' 00" E 296.5', N 28° 25' 00" W 289.1, S 65° 05' W 159.2, S 57° 30' 00" W 109.0 and S 22° 13' 00" W 83.2' to the point of beginning.
Containing 1.24± acres and being located in the 7th Election District 3rd Councilmanic District.
Also being known as 17301 Big Falls Road

91-180-A

189

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 28, 1990

Mr. & Mrs. Stephen D. Mooney
17301 Big Falls Road
Monkton, Maryland 21111

RE: PETITION FOR RESIDENTIAL VARIANCE
E/S Big Falls Road, 2900' N of Monkton Road
(17301 Big Falls Road)
7th Election District - 3rd Councilmanic District
Stephen D. Mooney, et ux - Petitioners
Case No. 91-180-A

Dear Mr. & Mrs. Mooney:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
N= 3796

Date

10/31/90

H9100189

PUBLIC HEARING FEES	QTY	PRICE
010 -ZONING VARIANCE (IRL)	1 X	\$35.00
080 -POSTING SIGNS / ADVERTISING	1 X	\$25.00
LAST NAME OF OWNER: MOONEY	TOTAL:	\$60.00

04A04#0091#1CHRC
BA C012106PH11-01-90 \$60.00

Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 7th
Posted for: Variance
Petitioner: Stephen D. Mooney, et ux
Location of property: E/S Big Falls Rd., 2900' N. Monkton Rd.
Location of Sign: Big Falls Rd., approx. 15' from roadway on property of J. Radcliffe
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 4
Date of Posting: 11/24/90
Date of return: 11/24/90

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-180-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1404.3.B.3. To allow a setback of 26 ft. in lieu of the required 50 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) and one story addition (kitchen, dining & living areas) to current dwelling. The only practical location for this addition is to the right side when facing the house, as the garage is to the left, the septic is to the rear, & the well is to the front. However, in this location, the addition will be approximately 24 feet from the property line (the current dwelling is to it). Therefore, the variance is needed to waive this 50 foot from property line requirement. Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):
(Type or Print Name)
Signature
City/State/Zip Code
Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
Name
Address
Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 1 day of Nov, 1990, that the subject matter of this petition be posted on the property on or before the 21 day of Nov, 1990.

J. Robert Haines
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this day of , 19, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the day of , 19, at o'clock, .

ORDER RECEIVED FOR FILING

Date 11/30/90
By [Signature]

ZONING COMMISSIONER OF BALTIMORE COUNTY

189

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353
J. Robert Haines
Zoning Commissioner

November 15, 1990

Mr. & Mrs. Stephen D. Mooney
17301 Big Falls Road
Monkton, Maryland 21111

Dennis F. Rasmussen
County Executive

Re: CASE NUMBER: 91-180-A
LOCATION: E/S Big Falls Road, 2900' of Monkton Road
17301 Big Falls Road

Dear Petitioner(s):

Please be advised that your petition for Residential Zoning Variance has been assigned the above case number. Any correspondence to this office should reference the case number. This letter also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before November 26, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is December 13, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the posting of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

File Copy

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

December 6, 1990

Mr. & Mrs. Stephen D. Mooney
17301 Big Falls Road
Monkton, MD 21111

RE: Item No. 189, Case No. 91-180-A
Petitioner: Stephen D. Mooney, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Mooney:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

Your petition has been received and accepted for filing this
1st day of November, 1990.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Stephanie D. Mooney, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: December 3, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Edith May Souza, Item No. 166
Earlie E. and Linda R. Towe, Item No. 170
Roland H. and Darlene Farlow, Item No. 171
Kwan Woo Lee, Item No. 173
Harry E. Belsinger, et al., Item No. 175
Gary D. and Kathleen M. Stewart, Item No. 178
Dale A. and Cheryl Poletynski, Item No. 181
Bruce D. and Mary V. Frith, Item No. 182
Eileen C. Wisler, Item No. 183
William M. and Constance M. Pitcher, Item No. 185
Key Federal Savings Bank, Item No. 186
Stephen D. and Wendy K. Mooney, Item No. 189
Brian D. and Tullia Briscoe, Item No. 193
Charles Henry and Vickie Jean Wallis, Item No. 195
Sharon Plaskowski, Item No. 196
Gary E. Stahl, Item No. 199
Keith E. and Terri L. Yeager, Item No. 201
Robert E. and Deborah L. Jennings, Item No. 202
Gloria P. Brown, Item No. 203
Robert E. and Karen F. Ege, Item No. 207
Javad Darbandi, Item No. 208
Thomas D. and Jeannette Considine, Item No. 209
Helen M. Yingling, Item No. 214

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMS\MUL.TPL\ZAC1

received
11/10/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(801) 887-4500
Paul H. Rencke
Chief

NOVEMBER 28, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: STEPHEN D. MOONEY

Location: #17301 BIG FALLS ROAD

Item No.: 189 Zoning Agenda: NOVEMBER 27, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Pat Keller* 11-28-90 Noted and Approved *Paul H. Rencke*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

received
11/29/90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
NOVEMBER 15, 1990
TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM #: S189
PROPERTY OWNER: Stephen D. Mooney, et ux
LOCATION: E/S Big Falls Road, 2900' N of Monkton Rd (#17301 Big Falls Road)
ELECTION DISTRICT: 7th
COUNCILMANIC DISTRICT: 3rd

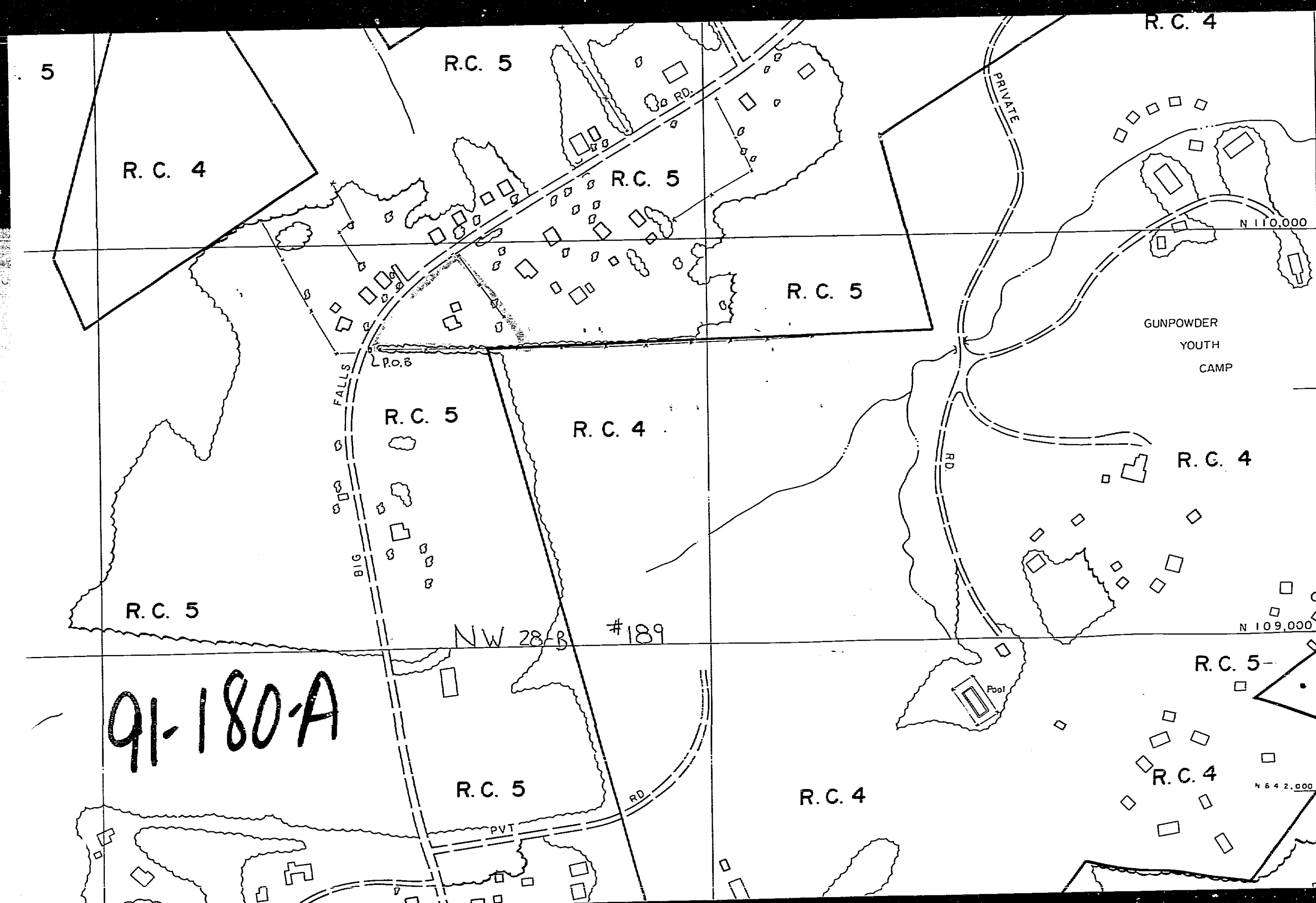
A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

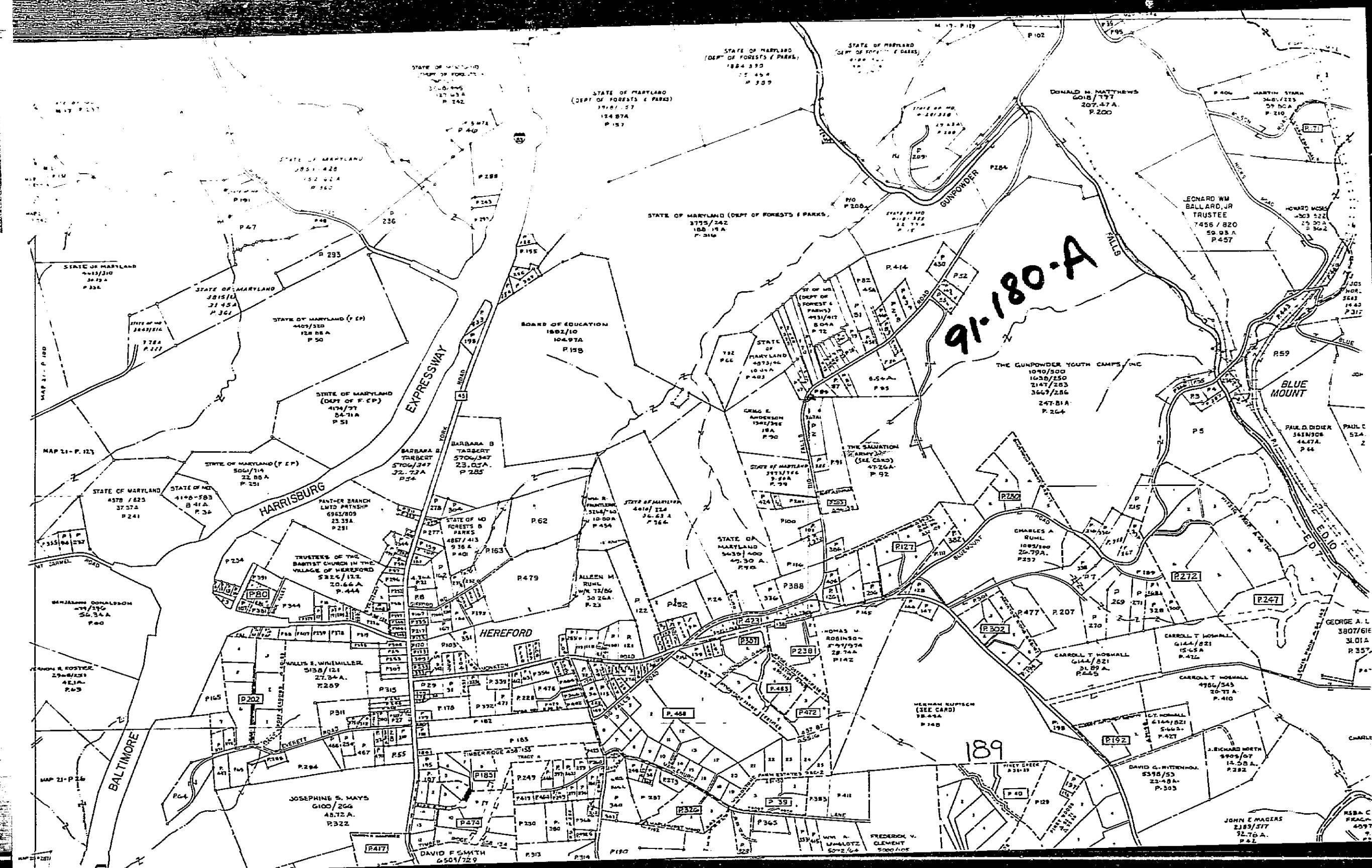
- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- () A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.





Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 17301 Big Falls Road see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book# _____, folio# _____, lot# _____, section# _____

OWNER: STEPHEN J. WENY 17301 Big Falls Road

91-180-A

Petitioner's Exhibit 1

Vicinity Map scale: 1"=1000'

LOCATION INFORMATION

Councilmanic District: 3

Election District: 7

1"=200' scale map: NW28-B

Zoning: RC-5

Lot size: 1.244± acreage 54,189± square feet

SEWER: ☐ public ☒ private

WATER: ☐ public ☒ private

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: NONE KNOWN

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

CAM 189

Scale of Drawing: 1"=60'

North

date: _____

prepared by: _____

CASE #: 91-180-A

WITH PHOTOS

This plat is not to be used for the physical location of property lines.

TITLE REF: CARRIE E THOMAS LIBER 561 FOLIO 540 DEC. 1930 BALT. CO. MD

582.20' 006 296.5

582.20' 006 95.0

17301

STONE DRIVE

582.20' 006 109.0

ROAD

BIG FALLS (FORMERLY HEAREFORD WHITE HALL ROAD)

91-180-A

This is to certify that on 2206 1982 I performed a location survey on the property known as 17301 BIG FALLS ROAD for the purpose of locating the improvements thereon and said improvements are located within the boundaries of the subject property.

Thomas M. Hoffman, L.S. 6150

Scale: 1"=60'

T.M. HOFFMAN & ASSOC., INC. - LAND SURVEYORS - 2502 STONINGTON AVE., BALTO., MD. 21207

PETITIONER'S EXHIBIT # 2

CASE #: 91-180-A



1. from end of driveway on Big Falls Road toward garage (house on right)



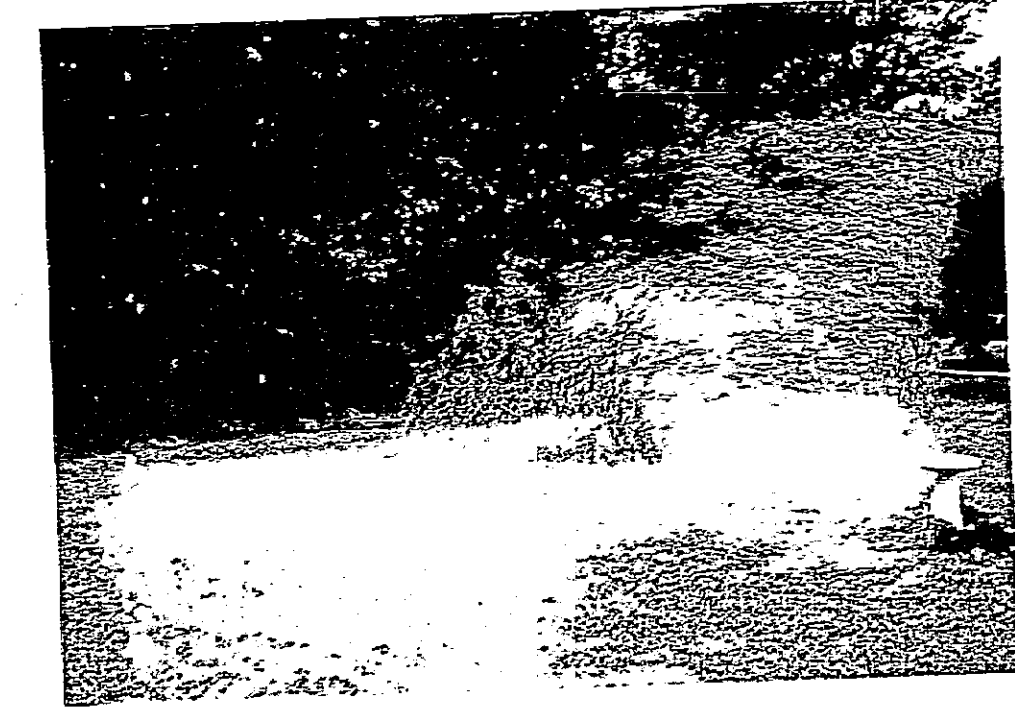
2. from end of driveway on Big Falls Road toward garage (house on right)

PETITIONER'S EXHIBIT # 3

CASE #: 91-180-A



3. from end of driveway on Big Falls Road toward garage (house on right)



4. from end of driveway on Big Falls Road toward garage (house on right)



5. from end of driveway on Big Falls Road toward garage (house on right)

PETITIONER'S EXHIBIT # 4

CASE #: 91-180-A



6. from end of driveway on Big Falls Road toward garage (house on right)



7. from end of driveway on Big Falls Road toward garage (house on right)

PETITIONER'S EXHIBIT #

CASE #: 91-180-A



3. corner of property bordered by Big Falls Road facing towards end of drive



4. corner of property bordered by Big Falls Road facing towards garage and house

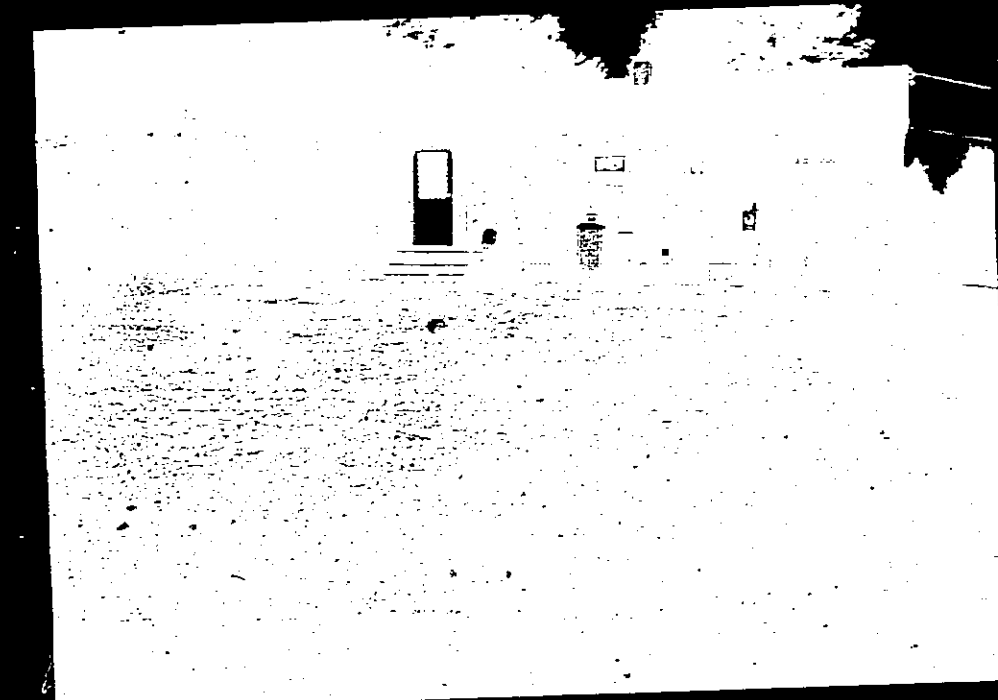
PETITIONER'S
EXHIBIT #4

CASE #: 91-180-A



10. from corner of house toward drive

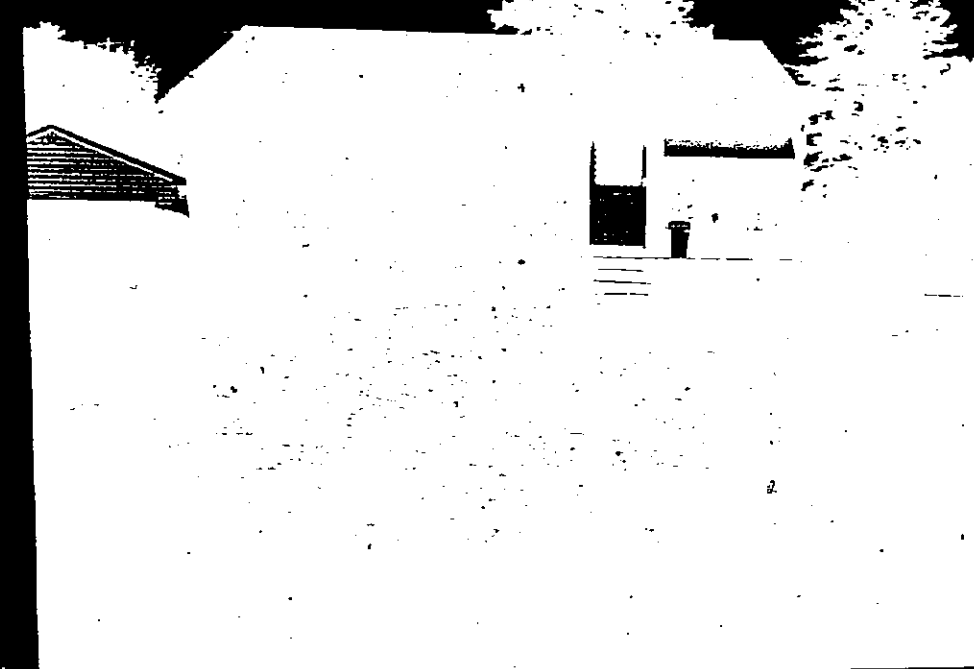
11. from corner of house toward garage



12. view of back of house showing proximity of septic

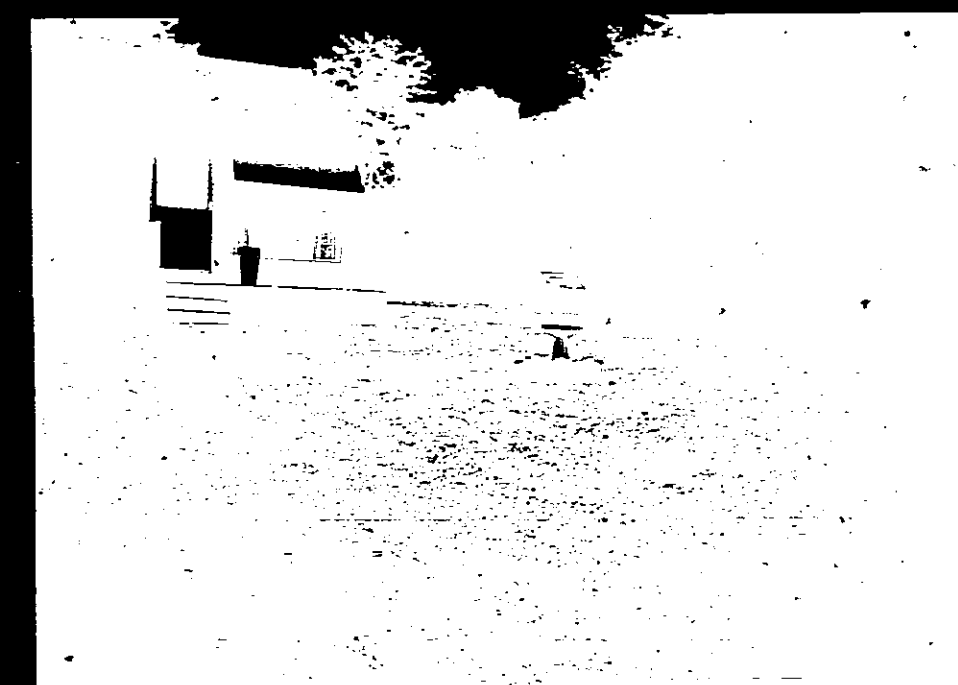
PETITIONER'S EXHIBIT #5

CASE #: 91-180-A



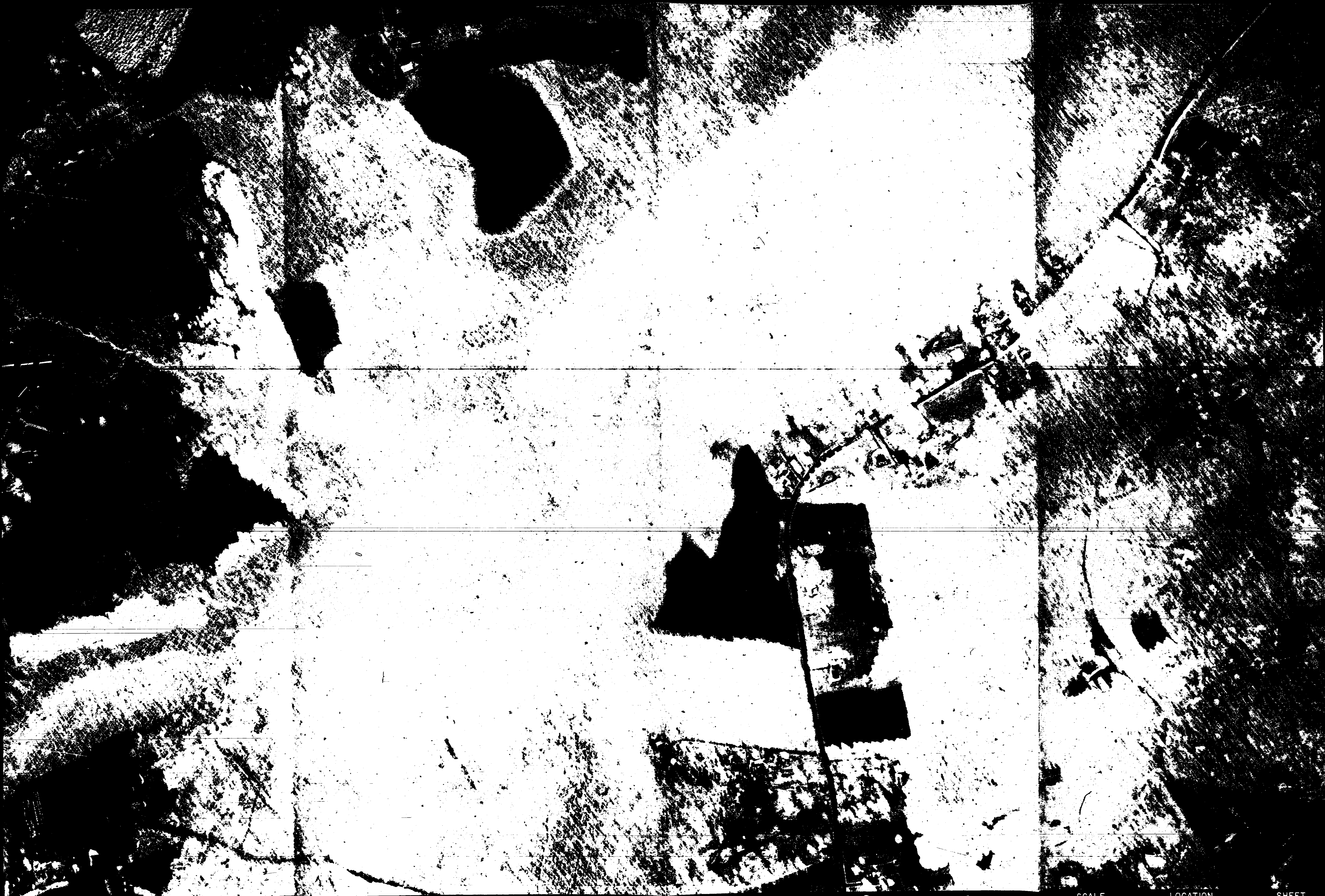
13. view of front of house, well beneath bird bath

14. from front of house - desired location of 16 ft. by 36 ft. addition (between house & tree-line)



15. from back of house - desired location of 16 ft. by 36 ft. addition (between house & tree-line)

PETITIONER'S EXHIBIT #6



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

91-180-A
189

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY

LOCATION
NORTHEAST OF
HEREFORD

SHEET
N.W.
28-B